P. F. 54795

G. R. S. IX-5]

*Previous references.*

1890-91

~~192~~.

( L. R. )

File No. 86790.

Serial Nos. 1 to 16

*Later references.*

L. R. 141795

vide R. M. 486-& 04-05 B. December 1904. (as noted on the file board)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1 to 16.

M. ~~Part~~ B for February 1896.

SUBJECT.

Appeal of Maeud Sabi and Kalachetty of Nagamangla regarding the Channel of Sulekere tank.

WD 2283—GPB—20,000—14-6-20

Indexed

(4)

Mn No 1990 dy 3d Nov 1890

~~Pt~~ Appts
Masud Sabi
&
Kalachelly
of Nagamangala

Respts
Huchenna
&
Timma
& Venkatu

In 1887, appellants ~~petitioner~~ asked for a channel through certain lands belonging to Respdts for the conversion of their Dry lands into wet, & the Tamaluq Offr ordered the excavation, but the Respdts having objected to allow the ~~lands~~ channel through their lands, the then ~~Tamaluq~~ Sub Dn Offr cancelled the previous order. The question was again agitated in 1889, & the Sub Dn Offr ~~directed~~ decided that if the land was required, it should be acquired under the Land acquisition act. In March 1890 however, Mr Madia Sub Dn Offr ordered the ~~execution~~ cara of the channel & had the ~~execution~~ work carried out in his presence without acquiring the land under the Land acquisition Act; but in Sept 1890 Mr Meeklejohn cancelled Mr Madia's order & ordered the channel to be closed & directed

that the land required should be acquired under the Land acquisition act if necessary. The present appeal is against this last order.

The Government opinion

Mr Meckle John's order is perfectly correct & it cannot be cancelled. The present Dy Comt however will be requested to report why the land should not be acquired under the Land acquisition act, & if there is no objection to send the necessary notification for publication.

M.C.

28/4/91 4/5

Sent

The order appealed against being perfectly legal cannot be cancelled. The Dy Comt however has been requested to report why the land should not be acquired under the Land acquisition act, & the necessary orders will be issued on the receipt of the report.

M.C. 4/5

3 [illegible]

The Dy Comnr should be requested to report upon the claims of the Petitioner upon Govt for channel to irrigate their land. Orders will be issued on the receipt thereof.

O.C.
25/8/93

Appeal No 151 of 1892-93

| Appellants | Respondents |
|---|---|
| 1. Masud Sab | 1. Huchanna |
| 2. Kala Setti | 2. Venkat Setti |

On an appeal preferred by the present appellants in 1890 in the matter of a dispute between them and Respondents regarding the excavation of a channel through the Respondents' land to irrigate appellants' land, the Government passed the decision of 4th May 1891 in which the Dy Commr of Mysore was requested to report why the land required for the channel should not be acquired under the Land Acquisition Act, and if there was no objection, to send the necessary notification for publication.

The Sub Dn Officer French Rocks inspected the locality on the 17th Decr 1891, apparently

to see if there was no objection to the land being acquired; but on that date an amicable settlement of the dispute was brought about, and the Respondents executed a Muchalika agreeing, to give the space required for the channel without claiming any compensation, subject to the following conditions:—

(1) the Channel (Hikkal) should not exceed one cubit in width and from ½ to ¾ ft in depth and it should be dug at the locality pointed out to the Sub Dn Offr, where the lands of the two parties meet,

(2) the respondents should be at liberty to use half the water flowing in the channel to irrigate their own land, by a small opening or Maduvai.

(3) the appellants should raise the same description of crops as Respondents do.

(4) the Channel (Hikkal) should not be used as a way for men or cattle

(5) the right to the grass growing on the bund of the Channel should rest in Respondents

(6) When any violation of the above conditions is brought to the

notice of the Amildar, that Officer should direct appellants to act according to the conditions and if they fail to do so the Respondents should be at liberty to close the Hikkal or channel. The Appellants also executed a Muchalika agreeing to the above terms and stating that they would excavate the channel at their own cost.

This Compromise was reported to Government in the Deputy Commrs docket No. 887 dated 9 January 1892, which was read & recorded.

(D)

On the 17th Septr 1892, the 1st Appellant Masood Sab presented a Petition to the Sub Officer stating that when he spoke to 1st Respondt about excavating the channel, the latter gave evasive reply saying he would allow the channel or not as he liked, and that Respondts who were causing obstruction at the onset were trying to cause other quarrels. He therefore prayed for the land being acquired under the Land Acq Act or for the channel being dug by Govt subject to the conditions of the Muchalika

On the 21 Sept^r 1892, the Sub-D^r Off^r issued an endorsement to appellants stating that if there had been default to act according to the conditions, they might proceed against the other parties in a competent Court. The D^r Comm^r to whom the appellants appealed said he saw no reason to interfere with the Sub D^r Off^r endorsement.

In their present appeal the appellants urge :—

(1) that if they go to dig the channel the respondents do not allow them to do so

(2) that as there has been no proper final order on their appeal of 1891 to Govt, they cannot go to a Civil Court

(3) that appellants have not been able to raise wet crop owing to the obstruction, but Revenue authorities are demanding wet assessment

They pray that either a channel may be dug by Govt Agency subject to the conditions mentioned, or the land acquired under the Land Acquiet, and that till water is supplied, wet assessment may not be demanded from them

The question for consideration is whether under the circumstances represented the D^r Comm^r should not give effect to the order originally issued by Govt.

The Resp^ts do not appear to have been questioned with refce to the complt of obstruction made by appellants after the compromise.

7

As per order recorded by the Hon'ble Mr. Chentsalkar on this note the Dy. Commr. was asked to make a report upon the claims of the Petitioner upon Govt. for channel to irrigate his land. (O.M. No. Pet/383 of 5-9-93 paper 12.)

After four reminders, report No. 603 dated 13-11-95 has been received giving a history of the case, but expressing no opinion upon the point referred to.

Subd. for orders.

R 21/11 Peter does not seem to have any claim upon the Govt. His lands were always dry, except in Rudrogini. For the first time in 1888 he got a water rate imposed on them. In 1889, he asked for a Hikkal thro' the Counter Peter's land, but has not since been able to get it. The question is whether effect ~~[illegible]~~ could now be given to the Muchalika Genter by the parties. If it could not, then the next question would be whether this is a "public purpose" [illegible]

justify the strip of land required for a Hikkal being acquired under the Land Acqn Act.

29-11-95

After the imposition of the water rate the duty of supplying or rather pointing out the source of, & the mode of obtaining the supply is no doubt imposed upon Govt. Accordingly at the suggestion of Govt an understanding was arrived at by both the parties & this led the Govt to desist from taking further action to ensure a supply to the Petr. Under these circs. the Petr's contention is very reasonable & the Govt through whose priority the original agreement was made has every right to enforce the agreement in its own interest as well as in that of the appellant. The Dy Comr should be requested to take action in accordance with these news and to see that the channel as originally agreed upon is dug ~~is~~ ~~the~~ and the Petr allowed to take water through it.

UMP
27.1.96

Endorsement to Petr accd
UMP

If any difficulty is anticipated in carrying out this order the land may be formally acquired - the need for the land arises from the Govt having to provide a channel for the land which under its orders has been converted into wet, and the acquisition for such a public purpose is perfectly legal.

UMP
27.1.96

Draft for approval

Draft [illegible] 27.1.96

9

(1)

L.R. 86-90-1

Camp Reg no 189

6th Nov 1890

[illegible]

28 [illegible]

[illegible]

[illegible] 1990

[illegible]

[illegible] 3-11-90

[illegible] 23-9-90

5-83
828

[illegible]

[illegible] 17-3-90

1200
1591

[illegible] 1-8-90

[illegible] 17-3-90

1200
1591

[illegible] 23-9-90

5-83
828

1200
1591

[illegible]

[illegible] 655 [illegible]

[illegible]

[illegible] 65 4 2 29 [illegible]

[illegible]

[illegible] 676 [illegible]

[illegible]

[illegible]

[illegible]

642 [illegible]
643 [illegible] 65

[illegible]

[illegible] 100 [illegible]

[illegible]

692 [illegible]

12

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(2)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1990. dated 3rd November 1890 received at the Dewan's Office from Masood Sahib and Kalasetty residing at Nagamangala,

L.R. 86-90-2

is forwarded, together with its four enclosures, to the Dy Commissioner, Mysore District, for a full report.

Drafted as per Lee's order

By Order,

[illegible]

BANGALORE, 23rd Nov 1890.

For Chief Secretary.

Decr: 5

13

(General Serial No. 10583

OFFICE OF THE DEWAN OF MYSORE 14 FEB. 91 1891/1379

(3)

From

The Deputy Comm

Mysore District

To

The Chief Secretary to the Dewan of Mysore.

Dated 10

Despatched 12 February

Received

Enclosures No. 1 file

General No. 1359
No.

To the same No. 1966 d/14/5/91 P3

Returned to D.C. 21/5/91

Submitted to the Council -

23/2/91 A.R.

L.R. 86-90-3

His Official Memo No 692 d/ 5th December 1890, forwarding for a full report petition from Masu'd Sabi and Kalashetty residing at Nagamangala.

Has the honor to submit herewith the entire proceedings connected with the case together with an English precis thereof in which the whole case is fully reported.

D. Nanacul Chur
Offg Dy Commissioner
Mysore District

MM

Petition Dept
C.S.
14/2/91

Precis of correspondence relative to the Complaint of Masud Sab and Kalashetty of Nagamangala.

The facts of the complaint are briefly these:—

1. The petitioner together with 3 others own dry lands as particularized in the margin.× They wanted to bring these lands under wet cultivation and solicited permission.

2. The Amildar deputed his Shiristedar to institute enquiries; the latter reported that these lands were once under wet cultivation some 20 years back and could be irrigated if a hikkal channel was allowed over the wet lands of the objectionaries shewn in the margin, and pointed out that such a conversion would bring in a net increase of Rs 23-12-10

× 1. Masud Sab son of Ibrahim Sab No: 644 assessed at Rs 3-7-10
2. Kari Dasi No 645 assessed at Rs 5-8-6
3. Chelapah No 643 assessed at Rs 5-3-6
4. Kalyani No: 690 assessed at Rs -- 4--
5. Kalhur Kala No: 691 assessed at Rs 4-2-10

⊙ Nos: 679-681 and 682 assessed at Rs 19-- 4 belonging to Huchanah.
No: 683 assessed at Rs 8-6-- belonging to Timma

i.e. the Revenue.

3 Thereupon the Amildar solicited orders of the Jamabundi officer, Mr Nanjundia. Who directed* that a bikkal channel may be given if the supply of water was sufficient and it was not "prejudicial" to the interest of others. The only way to irrigate these lands was by excavating a bikkal channel on the land of the objectionaries referred to above.

* No: 50 dated 18th March 1887.

4. Nanchannah and Timma who are the holders of these numbers objected to the bikkal being cut in their lands. The Amildar reported this matter to the Sub Division Officer with a Nahazir of the Ryots.* The correspondence that followed on this, shewed that the lands proposed to be irrigated were always dry, since in the year Rudrodgary in which year alone they were brought under irrigation,

* Paras No: 5

and subsequently remained to be dry lands as before. Mr. Dalavoy Devaraj Urs, the then Sub Division officer, ordered[x] that no new hikkal Channel could be allowed on the patta lands of others contrary to the existing Mamool. The petitioners again agitated this question through petitions to the Sub Division officer.

x No: 256 dated 25th August 1887.

5. When Mr. Tirumalachar assumed charge of the Sub Division, that officer after some correspondence with the amildar and upon inspection of the lands under question considered[x] that a hikkal ought to be given to irrigate the lands of the petitioners as that would bring in an additional revenue to Government, and specially as the Survey Superintendent had accepted the recommendation of the amildar and imposed[⊙] the water rate of Rs 2-8-- per acre on the land, and ordered that so much of the land required for the purpose of excavating

⊙ No: 803 dated 10th October 1888.

the channel may be acquired under the Land Acquisition Act if there was need for such a course.

6. Huchanah and Timma being still persistent in not allowing the channel to be dug over their lands, the Amildar placed the entire correspondence before the Jamabundy officer Mr. Madia, for orders. Mr. Madia then inspected the lands and finding the Cakrar of Huchanah and Timma as malicious and frivolous, caused the Kikkal channel to be excavated in his presence, and set in water to the lands of the petitioners. Upon enquiry it appears that Mr. Madia then acted upon a decision of the Dewan in a similar case (records herewith annexed for ready reference.)

7. Whereupon Huchanah and Venkutshetty son of Timma appealed to the Deputy Commissioner Mysore who cancelled the order passed by Mr. Madia.

September 1890.

8. The present complaint is against the above order of the Deputy Commissioner.

The channel has been ordered to be closed.

[signature]

Sub Division officer
French Rocks.

No. 1990

18

OFFICE OF THE DEWAN OF MYSORE,

18 .

(5)

Appellants Vs. Respondents

Masud Sabi & Kalachetty of Nagamangala.

Hachanna, Timma and Venkata.

*Endorsement.*

In reply to their Petition, dated 3rd November/90

Appellants are informed that the order appealed against being perfectly legal cannot be ~~informed~~ cancelled. The Dy: Commr. however has been requested to report why the land should not be acquired under the Land Acquisition Act, and the necessary orders will be issued on the receipt of the report.

The Enclos: are herewith returned.

Wd.

AoP

WL 14/5/91

15/5

By order

WL

L.R. 86-90-4

For Chief Secretary.

Drafts for approval

AM
15/5

Endorsement
issued
21/5/91

19

(General Serial No. 30).

189/ (6)

From

The Chief Secretary to the Dewan of Mysore

To

The Deputy Commr Mysore Distt

Dated 14

Despatched 21 } Ma[illegible]

Received

To the same Memo No. 125 dd 31-8/91

From the same No. 867 dd 9/11/92

**Enclosures No.**

General No. 1966 R

No. P37

86-90-5

Requesting the Deputy Commr to report whether any objection exists to the acquisition, under the Land Acquisition Act, of certain lands, thro' which the Appellants Masi'd Sabi & Kalaspetty of Nagamangala, ask for a channel to convert their Dry lands into wet.

90

Before the Government of *His Highness* the Maharaja of Mysore.

(6)

Appeal No. 1990 of 3rd Novr 190

Appellants
Masud Sabi & Kulachetty of Nagamangala

Vs.

Respondents
Huchanna, Timma and Venkata.

Decision. 4.5.91.

In 1887 Appellants asked for a channel through certain lands belonging to Respts for the conversion of their dry lands into wet, and the Jamabandi officer ordered the excavation; but the Respts having objected to allow the channel through their lands, the then Sub. Dn officer cancelled the previous order. The question was again agitated in 1889, and the Sub. Dn officer decided that if the land was required, it should be acquired under the Land Acquisition Act. In March 1890, however, Mr. Madiah, Sub. Dn officer, ordered the excavation of the channel and had the work carried out in his presence without acquiring the land under the Land Acquisition Act; but in Septr 1890 Mr. Meiklejohn

cancelled Mr. Madiah's order and ordered the channel to be closed and directed that the land ~~acquired~~ required should be acquired under the Land Acquisition Act if necessary. The present appeal is against this last order.

The Govt. are of opinion that Mr. Meiklejohn's order is perfectly correct and it cannot be cancelled. The present Dy: Commr. will however be requested to report why the land should not be acquired under the Land Acquisition Act, and if there is no objection to send the necessary notification for publication.

14/5/91
21

By order

A.S.

No. 1966 / P. 37

To Chief Secretary

Copy forwarded to the Dy: Commr., Mysore Dt., with the ver: papers recd with his No. 1359 dt 10/2/91.

By order

A.S.

For Chief Secretary.

22 No. 125 R.

(7) Endorsement 31/8/91

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

Camp Regr.

The accompanying Petition No. 38a/790

dated 25th June 1891 received at the Dewan's Office from Masuji Sabi, Daffedar, residing at Nagamangala

is forwarded, ~~together with its enclosures, to the~~ to the Deputy Commissioner, Mysore District for ~~disposal and endorsement to petitioner~~ attention to submission of the report called for in this office No. 1966 of 14/5/91

P37

27 July 91

To the same Memorandum 21 Aug 91 6/11/91 From the same 18/8/91 11/11/92

By Order,

BANGALORE, July 1891.

Draft

Chief Secretary

V/8

Ss. R. 86-90-6

23

In form Return

N 18/1/92

Draft order reading and recording the settl

Mish 22/1/92

File

Endorsement issued 22/1/91

L.R. 86-90-7.

(General Serial No. 30).

CAMP OFFICE OF THE DEWAN OF MYSORE
REG'D. NO. 470
CAMP 1892 Tumkur
DATE 11-1-92

(9)

From

The Deputy Commissioner
Mysore District

To

The Chief Secretary to the Government of Mysore
Bangalore

OFFICE OF THE DEWAN OF MYSORE
JAN 92

Dated 9th 169
Despatched January
Received 11/1 HDJ

Enclosures No. 2

General No. 867
No.

His Memo No. 1966/34 dated 21st May 1891, forwarding a Copy of Government order on the appeal petition of Masud Sabi and Kala Setty of Nagamangala.

With reference to the above has the honor to state that the Sub Division Officer French Rocks reports in his docket No. 752, dated 31st ultimo, that he inspected the lands under dispute in presence of the Contending parties and a punchayet and brought them to an amicable Settlement.

The Copy of the Muchilka received from him is herewith Submitted for information together with Masood Sabis petition received with

Chief Secretary's memo No. 125, dated 31st August last.

[illegible]

[illegible]
Deputy Commissioner
Mysore District

Compd
[illegible]

[illegible]

1891 [illegible] 17 [illegible]

[illegible]

[illegible]

[illegible]

ಅಂದ್ರೆ ಅಂತಾ ಕೆಲಸ ಮಾಡ್ತಾ ಇರ್ತಾರೆ ಅಂತಾ ಅಂದ್ರೆ ಅವರು

[illegible]

[illegible]

Before me

[illegible] Mal

17-12-91

[illegible]

Before me

(Sd) Mahammad Ali

17-12-91

[illegible]

[illegible]

Before me
(Initialled) Mal
17-12-91

[illegible]

Before me
(Initialled) Mal
17-12-91

Before me
(Initd) Mal
17-12-91

copy

[signature]

Sub: Division Officer
French Rocks.

No 790

OFFICE OF THE
21 JUL 91
OFFICE OF MINISTER

3-11 [illegible] 90 [illegible]

[illegible] 23 [illegible] 1990 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 21 [illegible]

[illegible]

[illegible] 100 [illegible]

[illegible]

[illegible] 2-3 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

31

To be returned with an endorsement that the appn is insufficiently stamped

[illegible]
4/3

[illegible] 86-90-8

[illegible]

8-3-93.

Proper stamp affixed & Petn rembd
10-3-93.
[illegible]

Papers connected with endorsements No 1990 of 21 May 1891 & 790 of 18.1.92 to be put up.
[illegible]
27/3

[illegible]

[illegible] 1891 [illegible] 14 [illegible] 1966 [illegible]

[illegible] — [illegible]
1-4-93

(General Serial No. 32.)

1893.

No. 2197

Name of Petitioner. Masud Sab Revenue Dafedar

Village. Nagamangla

Taluk. Do.

District. Mysore

Date of Arzi. 14/2/93

Date of Receipt. 24/2/93.

Date of Disposal.

No. of Enclosures. 8

ABSTRACT.

In 1890, Petitioner filed an appeal in this office praying that he might be allowed to dig a small canal in the lands of Huchanna & another, for the purpose of irrigating his own land. He was given endorsement No. 1990 of 21.5.91 to the effect that the Deputy Commr was asked to report why the land (required for the canal) should not be acquired under the Land Acquisition Act. But the Respondents, the said Huchanna and another executed a Muchalika to the effect that they would allow Petitioner to dig a canal through

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

their lands. But they did not allow him to do so. Petitioner complained to the Sub-Dn. officer who passed order No 356 stating that he had already decided the dispute & that if any one violated that order, the Petitioner might sue such person in the proper Court.

Petitioner appealed to the Dy Commr. But he rejected the petition on 8.12.92, stating that he saw no reason to interfere with the Sub-Dn. officer's order.

The present appeal is against the above order

[illegible]

Proceedings to be called for with report

See previous correspondence.

[illegible]

5/6/93

L.R. 86-90-9

(General Serial No. 32.)

1893.

(11)

No. 2337

Name of Petitioner. Masud Subi Rev: Dattedar

Village.

Taluk. Nagamangala

District. Mysore

Date of Arzi. 10-3-93

Date of Receipt. 13-3-93.

Date of Disposal.

No. of Enclosures. [illegible]

ABSTRACT.

Resubmits his petn. No 2197 d 14-2-93 duly stamped as per endt No: 2197 d 8-3-93.

[illegible]

15/3/93.

Mysore Govt. Central Press Bangalore—7-9-92,—4000.

383

4-9

(12)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2197 / 151 and 2337 & 14-2-93 ~~dated~~ 10-3-93 received at the Dewan's Office from Masúd Sabi, Rev. Daffédar, Nagamangala, appealing against the Deputy Commr's order dated 3rd December 1892 regarding a ~~canal to be dug in certain lands for the irrig purpose of~~ channel for irrigating ~~Petitioners~~ Petitioner's lands. are ~~is~~ forwarded, together with ~~its~~ 9 enclosures, to the Deputy Commissioner, Mysore District, for submission of proceedings with a report ~~on~~ upon the claims of the Petitioner upon ~~the facts of the case and on~~ Government for channel to irrigate his ~~the points taken in the petition~~ land

2. The petitions with ~~its~~ enclosures should be returned

Council order Draft

By Order,

Chief Secretary.

BANGALORE,
5 ~~Sept~~ 1893.

M. G. C. P. Bangalore.—21-11-92—3,000.

1934

Gen. Serial No. 32.]

189 (17)

No. 1535

Name of Petitioner. Masud sabi Revenue Daffedar, Nagamangala tal

Village. } Nagamangala
Taluk. }

District. Mysore

Date of Arzi. ~~7-12-94~~

Date of Receipt. 1-12-94

Date of Disposal.

No. of Enclosures. 1

Refer put up.
4/12

L. 02. 86-90-11

Submitted to Council

Petr prayed that a Channel ~~supply~~ for irrigating his wet lands should be ordered to be ~~repaired~~ excavated.

On 1st Sep 1893 the Dy Commr of Mysore was called upon to report upon the claims of the Petr upon Govt for Channel to irrigate his land. The report has not yet been received notwithstanding that some reminders have been sent.

Petr alleges that his lands are advertized for sale to take place on the 16 December for arrears of revenue and prays that the sale may be postponed pending disposal of his appeal.

4/12 Petitioner must pay the arrt & stop the sale. If he is entitled to refund, it will be granted to him.

6/12/94

Draft
SKR. 7/12

ABSTRACT.

With reference to endorsement in connection with the appeal presented by the petitioner one year ago, regarding the filling up of the canal through which his land under Soolekere was irrigated, states that the taluq authorities have issued a notice to the petitioner to the effect that his land will be sold by auction for the revenue due by him on the 16th December 1894. prays for early orders

being issued to stop the sale
pending decision of the
case.

3/12/94.

no 1535 1/12 Ent 70

37

1535 R
1-12-94

The Dewan of Mysore Province
Mysore (16)

Most Respected Sir

I the undersigned the Revenue Dafr of Nagamangala request your honor to take the following few lines into your honors kind consideration.

I appealled to your honor about the case of filling the canal throug which my land under Soolaykeray was watered. I received by your honor an endorsment stating that an order sent to the Deputy Commissioner to send the records with his report. More than one year ago My appeal is not settled yet.

No the Taluk officer issued a notice stating that the Tary kandayam should be paid. if not the land will be sold by action on the 16th December.

I offered a petition to the Taluk requesting to post-pone the action till my case settled. but they gave an ord.

~~the~~ stating that they will not post-pone the action

I am very poor. I most humbly beg your honor to pass an order to stop the action of my land untill my case is settled. For this kind act of charity I pray ~~for~~ your honor for ever. I have enclosed the order of Nagamangala Taluk here-with

I remain

Most Respected Sir

your honor's most obedient

Servant

Masud Sabi Revenue

Tafadar Nagamangal Taluk

Nagamangal

(18)

[illegible]
1535.

L.R. 86-90-12

[illegible]

[illegible] 1535 [illegible]

[illegible]

[illegible]

By order

Draft [illegible] 7/12

[illegible] Chief Secy

[illegible]

[illegible]
7/12/94

No. 1535 160

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

6th December 1894

(19)

L-R- 86-90-13

Endorsement granted to Masud Sabi Revenue Daffedar Nagamungala Taluk,

in reply to his Petition Registered No. 1535 ~~dated~~ undated regarding his claim for a channel to irrigate his lands under Sulikere & complaining that his lands have been ~~put up~~ advertised for sale for arrears of revenue due on these lands

Petitioner is informed that ~~the petitioner~~ he must pay the assessment and stop the sale. If he is entitled to refund, it will be given to him.

2. The Enclosure is returned.

By order

[signature] 7/12

For Chief Secy.

9340 / Pet: 919 D 7-12-94 / 7

Copy to the Dy. Commr Mysore District for information

"By Order"

[signature]

Chief Secretary.

[signature] 7/12

Draft

SKR

7/12

M. G. C. P. Bangalore—6-3-94.—2000.

No. 603
Enclosures No. Nil

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 18th November 1895.

L. R. 86-90-14

From

The Deputy Commissioner,
Mysore District.

To

The ~~Chief~~ Revenue Secretary to the ~~Dewan~~ Government of Mysore.

SIR,

With reference to your official memorandum No 383 dated the 1st September 1893, calling for a report with proceedings on the petition of Masud Sabi, Revenue Duffedar at Naganangala, regarding a channel for irrigating his lands, and subsequent reminders as per margin, I have the honor to state as follows:-

No 13494/1273 dated the 5th Feb: 1894
" 20666/1934 do - 30th May 1894
" Pet 892 - do - 1st Nov: 1895.

2. Petitioner Masud Sabi owns land survey No 655 measuring 6 acres and 7 guntas, assessed at Rs 7, under the Sulekere tank in the Naganangala village. In 1887 petitioner Masud Sabi and others solicited permission to excavate a channel through the land [illegible]

to Gudi Autchanna and Venkatasetti for irrigating their lands which were dry and prayed also for permission to convert them into wet. The Jamabandi officer permitted the excavation of the channel, but on the objection advanced against it by the owners of the lands, viz the said Gudi Autchanna and Venkatasetty, the Sub Division Officer of French Rocks cancelled the order of the Jamabandi officer. Then the petitioner Masud Sabi again agitate the question in 1889, and the then Sub Division Officer directed that if a chann should be excavated, the land require for it should be acquired under the Lan Acquisition act. But in March 1890, Mr. Madiah, the then Sub Division Officer of French Rocks, ordered the excavation of the channel and had the work carried out in his presence, but in September 1890, Mr. Meiklejohn, the Deputy Commissioner, cancelled Mr. Madiah's order and directed that

the

the channel should be closed. The petitioner Masud sabi appealed to Government against this* order, but the Government* declined to cancel it, and asked the Deputy Commissioner to report why steps should not be taken under the land Acquisition act for acquiring the land wanted for the channel. Thereupon the then Deputy Commissioner enquired of the Sub Division Officer whether the parties were willing to sell the land required. The Sub Division Officer inspected the lands in the presence of the contending parties and a panchayet in December 1891 and brought the parties to an amicable settlement, binding them to the conditions agreed to by a Muchalika dated the 17th December 1891. A copy of this Muchalika was submitted to Government with this office No 869 of the 9th January 1892. There the matter ended.

*Vide memo: No 1966/P 37 d/ 14th May 1891.

3. Again the petitioner Masud sabi having

having fallen out with the said Gudi Aulthama and Venkatasetty, complained to the Sub Division officer. He gave an Endorsement (No 356 dated the 21st Sept 1892) stating that the dispute had been already decided amicably with the consent of both the parties and that if the settlement was violated, the petitioner might seek his remedy in a Civil Court. Then the petitioner Masud Sabi appealed against this Endorsement to this Office and the previous Deputy Commissioner rejected it in Revenue Miscellaneous appeal No 30 of 1892-93. – Against it the petitioner Masud Sabi has presented the present appeal to Government. These are the facts of the case.

4. The petition received with the Memorandum under reply

65

and the proceedings connected with the case are herewith submitted.

I have the honor to be

Sir,

Your most obedt. servant

[illegible]

Deputy Commissioner

Mysore District

Compd Utt

EIGHT ANNAS [illegible] EIGHT ANNAS

MYSORE DEWAN'S OFFICE
[illegible] DEPARTMENT
2197 R
24/2/93

[illegible]

[illegible]

A. S. No 151 92-93.

[illegible] 1893 [illegible]

[illegible]

[illegible] 14-2-1893 [illegible]

[illegible]

[illegible] 21-9-92 [illegible]

[illegible]

[illegible] 92-93 [illegible]

[illegible]

[illegible] 3-12-92 [illegible]

[illegible]

[illegible]

[illegible]

2 [illegible]

3 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

OFFICE OF THE
8 - MAR 98

(23)

Proceedings of the Govt. of Mysore

Read:—

Petition No. 2197 dated 14th February 1893, of Masud Sab, Revenue Daffédar, Nagamangala village in the Nagamangala Taluk, appealing against the order of the Deputy Comr., Mysore District declining to interfere with the Sub Division officer's order declining to enforce the terms of a certain Muchilika, and stating that the petr. might proceed against the other parties in a competent Civil court to have the same enforced.

Records received with

with Mysore Deputy Comrs
letter No 603 dated 13-11-95,
and his report ~~which~~ wherein the Deputy Commissioner
states ~~the facts to be as~~
~~follows~~ that.

1 In pursuance of ~~this~~
Govt order No 1966/Pet. 37 dated
14th May 1891, calling for
report why steps should
not be taken under the
Land Acquisition Act,
for acquiring the land
belonging to Huchanna
and Venkatsetti for
the purpose of excavating
a channel to irrigate
the lands of the petr and
~~others~~ others, the Sub Dn
Officer inspected the lands
in the presence of the ~~co~~
contending parties and
after holding a punchayet
brought the parties to
an

an amicable settlement as per Muchilika dated 17-12-91 whereby Huchanna and Venkat-Setti agreed to allow the excavation of a channel through their lands by the petr ~~under~~ subject to certain conditions.

2 That ~~the~~ on refusal by Huchanna and Venkat-Setti to permit ~~the~~ petr to excavate the channel according to the terms of the Muchilika, the petr ~~appeale~~ applied to the Sub Dn officer to have the terms enforced.

3 That the Sub Division officer declined to ~~have~~ enforce the terms of the said Muchilika but stat granted an Endt stating that the petr may proceed against ~~the other~~ Huchanna and Venkat-setti in a civil court for

[illegible]

having the terms enforced.
and that the Deputy Comr.
declined to interfere with
the above order.

order thereon. R. 7498 Enc: 2 Ver: files
P.F. 54-95
d/18.2.96

After the imposition of
the water rate the duty
of supplying or rather
pointing out the source
of and the mode of
obtaining the supply
is clearly imposed upon
Government. Accordingly
at the suggestion of Govt.
an understanding was
arrived at by both
the parties and this
led the Govt. to desist
from taking further
action to insure a supply
to the petitioners. Under
these circumstances
the petitioner's contention

is very reasonable ~~and~~

~~the Govt through whose~~

privity the original agreement was made has every right to enforce the agreement in its own interest as well as in that of the appellant

he is entitled to have the irrigation channel dug for his benefit. It is unnecessary to drive the parties to regular suit in this matter and the Dep Comr

The Deputy Commissioner is requested to take action in accordance with these views and will to see that the channel, as originally agreed upon, is dug and the Petitioner allowed to take water through it. If any difficulty is anticipated in carrying out this order, the land may be formally acquired for the land arises from the Govt having to provide a channel for the land which under its order has been converted into

If any practical diffi- [illegible] arise to prev- [illegible] work being [illegible] [illegible] with [illegible] to require the land formally

P.T.O.

met, and the acquisition

~~for~~ such a ~~pt~~ public purpose

is perfectly legal.

as for a Public

purpose.

2nd cis order } Draft

~~for~~ Revenue Secretary.

To.

The Deputy Commissioner.

Mysore District

with records.

Draft submitted for

[illegible]

8/2/96

[illegible]

21/2

17.2.96

Issue

18/2/96

21/2

(24)

57

ಇಂ-ರವಿಪ್ರಸಾದ್

21-2-96

ಸೇವೆಗೆ
ಸಿ.ಆರ್.ಪಿ.ಸಿ 197ರಲ್ಲಿ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ
ಪ್ರಜಾಂರುದಿವರ್ತಕೆಸೆಕ್ಷೇರಿಯಾದ

L.R. 86-90-16

ನಾಗಮಂಗಲ ತಹಶೀಲ್ದಾರರುವ
ರವಿಸುಬ್ರಹ್ಮಣ್ಯ ಪೈದಾರ ಮುಖಾಂತರ ಇಂಡಾಂಗ್ಸ್ ಪ್ರಕ್ಷೇಪ —

ಅರ್ಜಿದಾರರು ಭೂಮಾಪನ ನಿರ್ದೇಶಕರವರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಪ್ರಕ್ಷೇಪಣ್ಣ ಮತ್ತು ವೆಂಕಟಲಕ್ಷ್ಮಿ ಪ್ರಕರಣದಲ್ಲಿ ಕಾಯಿದೆಯನ್ನು ಅನುಸರಿಸಿ ಯಾವುದೇ ಪ್ರಕ್ಷೇಪಣಾನು ವೆಂಕಟಲಕ್ಷ್ಮಿಯವರ ಪರವಾಗಿ ಕೊಟ್ಟಿರುವುದಕ್ಕೆ ಕೆಲವರನ್ನು ಕೊಟ್ಟಿದ್ದೇವೆ ಅವರು ನಡೆಯಬೇಕು ಹೋದ್ದೆಲ್ಲ ಲಾಯರ್ ಮೂಲಕ ಕೋರ್ಟನಲ್ಲಿ ಪ್ರಾಸಿಕ್ಯೂಶನ್ ಕೊಟ್ಟಿರುತ್ತಾರೆ ಎಂದು ಸಾಕ್ಷಿ ಪ್ರೈವೇಟ್ ರಾಂಕ್ಸ್ ಸಬ್ ಡಿವಿಜನ್ ಅಧಿಕಾರಿಗಳು ಅವರವರ ಕೆಲಸ ಕೊಟ್ಟಿರುತ್ತಾರೆ ಮಿಸ್ಟರ್ ಗಂಗಾಧರಯ್ಯ ಪ್ರದೇಶಮಾಡಿರುವ ಮೈಸೂರು ಪ್ರಿಂಟ್ ಪೇಪರ್ಸ್ ಪ್ರಕಟಿಸಿದ್ದನ್ನು ಅರ್ಜಿದಾರರು ಮೇಲೆ ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿದ್ದ 14-2-93ನೇ ಮತ್ತು ಮಿಸ್ಟರ್ ಅಮ್ಮಲ್

58

శ్రీకేవాయిరా.

ముఖ్యమంత్రి ప్రకాశ్ కాలువి
యన్నా కేగిగి అదరు మూలక
అర్జిదారనా న్యాయన్నా కేగేదా కో
ళ్ళువంతే మాడి బ్యాకరిసలు, రాజి
యాంద ఒగి మాడలు ఏ నాదరూ
విశేషరాజ ప్రతికాల్
~~[illegible]~~ అనాగా
కూలు ఉంబాదరి, ల్యాండ్ అక్విజి
షన్ అక్ట్ ప్రకాశ్ క్రమవాగి జమీన్ పడియలు
అమల్ నడిగ బ్యాకరిదా దేప్యులి
కమిషనరు వరిగి బరిసి కొత్తి - కిళియు
వదు

అర్జిమలపూపగళన్నా వాపస్
మాడికొత్తి.

బరాగ 19-2-96.

By order
Draft. H Ch
19/2
Under Secretary

Recd